

## SCHEDULES

### SCHEDULE 1

#### LEAVE AND PAY RELATED TO BIRTH OR ADOPTION: FURTHER AMENDMENTS

##### *The Employment Rights (Northern Ireland) Order 1996 (NI 16)*

VALID FROM 09/09/2010

- 27.** In Article 2(3) (other definitions), for the definition of “paternity leave” substitute—  
““ordinary or additional paternity leave” means leave under any of Articles 112A to 112BB;”.

VALID FROM 01/10/2010

- 28.** In Article 59(1) (meaning of “wages” etc.), in sub-paragraph (ca), for “statutory paternity pay” substitute “ordinary statutory paternity pay or additional statutory paternity pay”.

VALID FROM 09/09/2010

- 29.** In Article 70C (leave for family and domestic reasons), in paragraph (2), for sub-paragraph (ca) substitute—  
“(ca) ordinary or additional paternity leave, or”.

- 30.** In Article 103 (ordinary maternity leave), for paragraph (3) substitute—  
“(3) Regulations under paragraph (2)—  
(a) shall secure that, where an employee has a right to leave under this Article, she is entitled to an ordinary maternity leave period of at least 26 weeks;  
(b) may allow an employee to choose, subject to prescribed restrictions, the date on which an ordinary maternity leave period starts;  
(c) may specify circumstances in which an employee may work for her employer during an ordinary maternity leave period without bringing the period to an end.”.
- 31.** In Article 105 (additional maternity leave), for paragraph (3) substitute—  
“(3) Regulations under paragraph (2)—  
(a) may allow an employee to choose, subject to prescribed restrictions, the date on which an additional maternity leave period ends;  
(b) may specify circumstances in which an employee may work for her employer during an additional maternity leave period without bringing the period to an end.”.

- 32.** In Article 107A (ordinary adoption leave), after paragraph (2) insert—

**Status:** Point in time view as at 01/09/2006. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the *The Work and Families (Northern Ireland) Order 2006, The Employment Rights (Northern Ireland) Order 1996 (NI 16)*. (See end of Document for details)

“(2A) Regulations under paragraph (2) may specify circumstances in which an employee may work for his employer during an ordinary adoption leave period without bringing the period to an end.”.

**33.** In Article 107B (additional adoption leave), for paragraph (3) substitute—

“(3) Regulations under paragraph (2)—

- (a) may allow an employee to choose, subject to prescribed restrictions, the date on which an additional adoption leave period ends;
- (b) may specify circumstances in which an employee may work for his employer during an additional adoption leave period without bringing the period to an end.”.

VALID FROM 01/10/2010

**34.** In the heading to Article 112A (entitlement to paternity leave: birth), after “to” insert “ordinary”.

VALID FROM 01/10/2010

**35.** In the heading to Article 112B (entitlement to paternity leave: adoption), after “to” insert “ordinary”.

VALID FROM 09/09/2010

**36.** In Article 112D (special cases), in paragraph (1) for “112A or 112B” substitute “ 112A, 112AA, 112B or 112BB ”.

VALID FROM 09/09/2010

**37.—(1)** Article 112E (Chapter III: supplemental) is amended as follows.

(2) For “Article 112A or 112B” (wherever occurring) substitute “ any of Articles 112A to 112BB ”.

(3) Renumber the provision as so amended to become paragraph (1) of the Article and at the end add—

“(2) The persons on whom duties may be imposed by regulations under Article 112AA or 112BB include not only employees exercising rights by virtue of that Article and their employers but also—

- (a) in the case of Article 112AA, the mother of the child in question and any employer or former employer of hers, and
- (b) in the case of Article 112BB, the person by reference to whom the condition in paragraph (1)(c) of that Article is satisfied and any employer or former employer of that person.”.

VALID FROM 01/10/2010

**38.**—(1) Article 120 (employments with normal working hours) is amended as follows.

(2) In paragraph (1)(c), for “paternity leave” substitute “ ordinary or additional paternity leave ”.

(3) In paragraph (2), for “statutory paternity pay” substitute “ ordinary statutory paternity pay, additional statutory paternity pay ”.

VALID FROM 01/10/2010

**39.**—(1) Article 121 (employments without normal working hours) is amended as follows.

(2) In paragraph (3)(b), for “paternity leave” substitute “ ordinary or additional paternity leave ”.

(3) In paragraph (4), for “statutory paternity pay” substitute “ ordinary statutory paternity pay, additional statutory paternity pay ”.

VALID FROM 09/09/2010

**40.** In Article 131 (leave for family reasons), in paragraph (3), for paragraph (ca) substitute—  
“(ca) ordinary or additional paternity leave, or”.

VALID FROM 01/10/2010

**41.** In Article 138 (replacements), in paragraph (2)(a) after “adoption leave” insert “ or leave under Article 112AA or 112BB (additional paternity leave), ”.

VALID FROM 09/09/2010

**42.** In Article 251(1A) (orders and regulations – confirmatory procedure) for “112A, 112B, 112G” substitute “ , 112A, 112AA, 112B, 112BB, 112G ”.

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the The Work and Families (Northern Ireland) Order 2006, The Employment Rights (Northern Ireland) Order 1996 (NI 16).